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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 April 2000, at 10.00 a.m.

Chairman: Mr. SIMKHADA (Nepal)

CONTENTS

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION;

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS;

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GE.00-12465 (E)

CONTENTS (continued)

(c) FREEDOM OF EXPRESSION;

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY;

(e) RELIGIOUS INTOLERANCE;

(f) STATES OF EMERGENCY;

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (continued)

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

The meeting was called to order at 10 10 a m

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

1. Mr. DIMITROV (The former Yugoslav Republic of Macedonia) said that the twentieth century had seen great technological advances, as well as enormous suffering. The international community had articulated the political will for global democracy through the activities of the United Nations, resulting in the development of international human rights law. However, the world continued to witness massive violations, gross neglect of the Geneva Conventions and humanitarian disasters. Children were victims of violence, sexual exploitation, abject poverty, hunger and the atrocious consequences of war.

2. The situation in Kosovo and the neighbouring Federal Republic of Yugoslavia (Serbia and Montenegro) was tense and difficult, with daily reports of basic human rights violations. He wondered when the international community would learn that peace was a prerequisite for the development of democracy and human rights? The primary task must be to counter the concept of "ethnically clean" nation States. One group's tendency to assert superiority over another only fed the vicious circle of collective hatred. Kosovo's multicultural character should be stressed, and the necessary conditions created for the return of refugees, regardless of their ethnic origin. It was important, also, to promote the concept of open civil societies based on individualism rather than collectivism.

3. Lasting stability in the region would largely be determined by peace in Kosovo, without which the humanitarian intervention of 1999 would have been to no avail. His Government, for its part, reaffirmed its support for effective implementation of Security Council resolution 1244 (1999). The urgent democratization of the Federal Republic of Yugoslavia was also a priority for the region's stability.

4. Convinced of the importance of strengthening existing mechanisms, his Government supported the new Optional Protocols and draft optional protocols to the various human rights instruments, as well as the earliest entry into force of the Statute of Rome of the International Crime Tribunal. Special attention should be paid to the effective implementation of the Declaration on the Right to Development.

5. Given that human rights were for all, without distinction as to race, ethnicity or national origin, further preventive strategies must be elaborated to combat racism and discrimination. His Government also welcomed the revision of the mechanisms of the Commission and wished to express its strong support for the activities of the High Commissioner for Human Rights. Technical assistance for promoting human rights education at the national level should be focused on the incorporation of civil society and human rights values in national school curricula, as was occurring in his own country.

6. With respect to the protection of persons belonging to national, religious and linguistic minorities at the regional level, his Government welcomed the work of the Council of Europe, particularly the Charter on the Protection of Regional and Minority Languages and the

Framework Convention for the Protection of National Minorities. It was to be hoped that the latter would contribute to deepening trust and understanding between countries in the region.

7. In that context, the determining role of the Stability Pact in achieving stable democratic societies in south-eastern Europe should be underlined. Respect for human rights - including the rights of minorities - was crucial to achieving lasting stability. The situation of ethnic minorities must be treated as a common concern of all States in the subregion, involving a balanced approach to all minorities based on international standards. The Republic of Macedonia was one of the few States in the subregion to boast a developed system for protecting the rights of persons belonging to minorities. Indeed, it was a true model of a multicultural civil society with a unitary political order.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION;

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS;

(c) FREEDOM OF EXPRESSION;

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY;

(e) RELIGIOUS INTOLERANCE;

(f) STATES OF EMERGENCY;

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/3 and Add.1-3, 4 and Add.1 and 2, 9 and Add.1-3, 54, 55, 56 and Add.1 and 2, 57-59, 60 and Add.1, 61 and Corr.1 and Add.1 and 2, 62, 63 and Add.1-4, 64 and Add.1, 65, 115, 125, 126, 132, 133 and 135; E/CN.4/2000/NGO/2, 6, 9, 10, 20, 27, 29, 33, 41, 45, 50, 60, 62-64, 78-81, 91, 92, 95, 104-106, 111, 118, 126, 129, 130-135, 138, 141, 143 and 147; E/CN.4/Sub.2/1999/27; A/54/177 and Corr.1)

8. Mr. McNAUGHTON (International Human Rights Association of American Minorities) said that the international community must condemn enforced disappearance as the most heinous of all crimes and one that was used as a tool by certain States to sow fear and silence opponents.

9. In Guatemala, children and young adults belonging to a non-governmental organization (NGO) seeking to ascertain the fate of their disappeared parents were being threatened and harassed, probably by those responsible for the more than 45,000 disappearances in that country. The Guatemalan legal system was unable to bring those responsible for Bishop Juan Gerardi's murder to justice, with members of the judiciary receiving death threats.

10. The Government of Mexico claimed to be alleviating the poverty and suffering of its people but it continued to support paramilitary groups in Chiapas as part of its "counter-insurgency strategy". Innocent civilians continued to suffer at the hands of such groups and at those of the Mexican military and police forces.

11. In Colombia, the Government was conducting a genocide against indigenous peoples under the guise of a "drug war", with the support of the United States and transnational corporations. The purpose was to gain access to the indigenous peoples' oil and land.

12. The situation in Indian-occupied Kashmir had too long been ignored by the international community. India and Pakistan must behave responsibly and engage immediately in constructive dialogue with the full participation of the Kashmiri people.

13. Mr. CASTILLO (Indian Council of South America) said that he wished to bring the Leonard Peltier case to the attention of the Commission (E/CN.4/1997/NGO/80). Mr. Peltier, a Lakota-Chippewa and a life-long defender of the cultural, civil and human rights of indigenous people, was currently incarcerated for a crime he had not committed. He had been arbitrarily held in United States federal prisons for 24 years for vindictive political reasons, all domestic remedies having been obstructed. The United States had admitted being directly responsible for his fraudulent extradition from Canada in 1976, and for having submitted falsified affidavits to Canadian officials. Mr. Peltier had been denied parole and had been held for eight years in excess of the United States Parole Commission's own guidelines, his next parole hearing being due in 2008.

14. According to an official report, Mr. Peltier was suffering from diabetes, a cardiac condition and hyperlipidemia. He had also lost 80 per cent of the vision in his left eye as a result of the prison authorities' failure to provide appropriate medical care.

15. Thousands of prisoners in the United States did not receive adequate care for serious physical or mental heath problems. The Commission should instruct the Special Rapporteur on the question of torture and the Working Group on Arbitrary Detention to visit the United States to investigate the Leonard Peltier case and the conditions of detention of millions of other prisoners in that country.

16. Ms. HERNANDEZ FUENTES (National Union of Jurists of Cuba) said that the people of Cuba had the right to demand reparations from the United States for the violation of their civil rights, including their right to life and physical integrity. From 1959 to 1965, armed mercenaries, supported by the United States, had caused the deaths of hundreds of civilians. The Central Intelligence Agency (CIA) had sabotaged Cuba's literacy campaign with terrorist attacks, assassinating young teachers and peasant families, including women and children. Cuba had been forced to spend huge resources defending itself, and thousands of Cubans had lost their lives. The United States Government must be held responsible.

17. Ms. GERVAIS-VIDRICAIRE (Canada), speaking on a point of order, referred to a statement made in the name of the Organization of American States (OAS) by a person whose credentials had been questioned. The Inter-American Commission on Human Rights had later confirmed in writing that the person concerned was its representative. She was concerned that a statement by a defender of the freedom of expression should not be suppressed.

18. The CHAIRMAN said that the Secretariat had confirmed that the person in question had not been duly accredited. The decision not to include his statement in the summary records or press releases remained a valid one, since the members of the Commission had raised no objection at the time.

19. Mr. GUPTA (Afro-Asian Peoples Solidarity Organization) said that some Governments paid lip-service to freedom of expression by citing lack of controls on the media while preventing all other manifestations of freedom of opinion. Thus, in Pakistan, the democratic system had been overthrown at gunpoint and the military rulers had banned public political rallies and placed religious intolerance on a pedestal. Christians and Ahmadiyyas had been sentenced to death under the Blasphemy Law and religious institutions imparted sectarian education and weapons training to impressionable young people.

20. Political and civil rights had never been of concern to the feudal power elite of Pakistan. There had always been military rule, though sometimes in civilian garb. Nawaz Sharif's recent overthrow for exercising his right to dismiss the chief of staff was further proof that Pakistan had evolved not as a military dictatorship.

21. Ms. PERVIZAT (Women's International League for Peace and Freedom) said that one of the worst forms of extrajudicial killings was the premeditated killing of women by male family members after the family had decided that they had shamed or dishonoured it by their behaviour. In some countries, women were tortured before they were killed and given the choice of committing suicide. In some countries, also, lawyers were consulted on how to conduct the murder so that the perpetrator would get the lightest possible sentence, that often meant that adolescent boys were chosen to do the killing.

22. States that did not use due diligence to prevent such extrajudicial executions and neglected to prosecute were failing to honour their international obligations. Many legal systems explicitly or implicitly justified such murders by reducing penalties. In Egypt, the "defence of property excuse" and legal rights of self-defence were used. In many countries, such as Venezuela, there were provisions relating to criminal infanticides and the abandonment of babies perceived to be the products of shameful relations. In Ecuador, Jordan and the Islamic Republic of Iran, specific laws provided a complete defence, making "honour killings" an "excusable homicide". Argentina, Bangladesh, Brazil, Peru and the State of Texas in the United States of America had laws, policies or practices that displayed indifference to, acceptance or approval of or even permission for such executions.

23. The Special Rapporteur on the independence of judges and lawyers should look at incidents where lawyers were consulted before an "honour killing" was committed, the Special Rapporteur on torture should look into the torture, pain and suffering the women underwent, the Special Rapporteur on the right to freedom of opinion and expression should study the killings

from a gender-based perspective, and the Special Rapporteur on extrajudicial, summary or arbitrary executions should carry out further work on the practice so that it could be brought to an end.

24. Ms. GHEBREHIWET (International Council of Nurses), speaking also on behalf of the International Pharmaceutical Federation and the World Medical Association, said that the remit of an existing special rapporteur might be expanded to include surveillance and action on human rights violations related to health professionals. It was incompatible with their professional duty for health care providers to be directed by Governments as to whom they could or could not treat. It was against their ethical codes to discriminate on the basis of colour, gender, creed, religion, social status or political affiliation. They often suffered reprisals for providing treatment and counselling to those, such as torture victims, whose human rights had been violated.

25. Health professionals in European and other countries were being harassed, imprisoned and tortured for having treated patients belonging to opposition political parties. It was also disturbing that health facilities and training institutions were often the targets of wanton destruction. She thus called upon the Commission, Governments, NGOs and other participants to give their full support for the establishment of a special rapporteur to ensure the independence and integrity of health professionals.

26. Mr. JAHANGIR (Himalayan Research and Cultural Foundation) said that religious intolerance had become covert rather than overt and the growth of religious fundamentalism in South Asia enjoyed the secret support of Governments. Groups of terrorists, projecting themselves as Muslim mujahidin had for more than 10 years been targeting non-Muslims and destroying their homes as well as Muslims who were opposed to their actions.

27. Although the mujahidin groups claimed to be working independently, it was an open secret that they were supported, financed and armed by the Government and establishment across the border. The human right of religious tolerance could not be realized unless the appropriate mechanisms dealt with Governments which supported fanatical extremist groups preaching and practising religious intolerance. The Commission should urge the Government in question to stop supporting terrorist groups which were creating havoc in Jammu and Kashmir.

28. Mr. SYED (European Union of Public Relations) said he was concerned that, in the name of religion, the polarization of communities could degenerate into horrendous acts of violence. Peace was the sole genuine guarantor of fundamental freedoms but it appeared that, in the conflicts and civil wars ravaging the most deprived areas of the world, the driving force of instability was terrorism and some States were using terrorism in inter-State conflicts.

29. The violence unleashed by non-State actors created a psychosis of fear which sustained a level of tension necessary to the perpetuation of war. There was no ideal way for State forces to conduct large-scale counter-terrorist operations, and the aggressors calculatedly knew that they were calling for retaliation. Human rights were the first and foremost casualty in what became a pattern of endless violence. For the past 10 years, his own land - Kashmir - had been ravaged by aggression and unimaginable violence perpetuated by foreign mercenaries encouraged by a belligerent nation.

30 Mr SIMMONS (International Indian Treaty Council) acknowledged the humanitarian gesture on the part of the United States Government in allowing the political prisoner Leonard Peltier to receive the medical attention he had needed for the past four years His organization called upon President Clinton further to demonstrate the United States Government's change of heart by granting Mr Peltier executive clemency and releasing him from prison without further delay

31 Ms BENALY (International Indian Treaty Council), referring to the Commission's approval at its fifty-fourth session of a visit to her community in Big Mountain, Arizona, United States of America, by the Special Rapporteur on religious intolerance, said that her people did not wish to be relocated and wanted to have their rights respected For many years, the United States Government had denied them the freedom to practise their religion The policy of the Government to partition their traditional land under Public Law 93-531 had to be reversed Interest groups such as the Peabody Coal Company and Hydro Resources Inc were depleting her people's water and natural resources without any consideration for their religious ties to their homeland

32 Ms DEHOY (Catholic Institute for International Relations) expressed concern regarding recent developments in Laos which suggested growing intolerance of people who chose to worship in churches that did not have State approval Such government intolerance towards both Catholics and Protestants was particularly noticeable when the individuals concerned were thought to be in contact with foreign organizations They had been subjected to detention, the destruction of their churches and other intimidation aimed at forcing them to recant their faith One church leader who had been imprisoned for 18 months in the early 1990s and rearrested in March 1999 had been offered his freedom if he signed a document abandoning his faith He was kept in solitary confinement and denied solid food for days at a time His wife and children, along with the families of other detainees, had been forcibly relocated and scattered among non-Christian villages

33 Similar difficulties were encountered by religious believers in Viet Nam, where the situation had been compounded by a decree further eroding the right of belief and giving local officials and security services wide powers in determining whether religious activities were permissible

34 In Myanmar, the Government monitored the activities of members of all religions, including Buddhism, partly because they had in the past been politically active In recent years, the Myanmar military had desecrated churches, mosques and graveyards, disturbed religious ceremonies, prevented preaching, destroyed religious symbols and imposed restrictions on attendance at religious gatherings

35 In India, the Freedom of Religion Bill in Gujarat and the Construction of Religious Places Act in Uttar Pradesh were inimical to the rights of Christian and Muslim minorities, and it was believed that the proposed changes in the Criminal Law Amendment Bill were intended to target religious minorities

36. In Pakistan, minorities faced persecution and intimidation under the Blasphemy Law even when accusations had been proved to be unfounded, individuals remained in serious danger and were forced to live in hiding or flee the country.

37. Her organization urged the Commission and the Special Rapporteur on religious intolerance to raise the various issues with the Governments concerned and to take all possible measures to eradicate the practices she had mentioned.

38. Mr. JOINET (Vice-Chairman of the Working Group on Arbitrary Detention) offered an apology to the representative of Peru regarding Opinion No. 23/1998 in the case of Mr. Huamán Morales. It had been given in December 1998, although Mr. Huamán had been released in June 1998. It was very likely that, owing to a breakdown in internal coordination, the Working Group had misplaced the case. The case of Ms. Arredonde Guevara would be resolved at the Working Group's forthcoming session.

39. The observer for Switzerland had been quite correct regarding the Working Group's practice with respect to following up visits. It was determined to continue as it had started, but its success very much depended on the cooperation of Governments.

40. In that connection, he had held two meetings with the observer delegation of Viet Nam regarding that country's presidential amnesty marking the turn of the millennium. It would be further discussed with the country concerned at the Working Group's next session, since the Group was anxious to learn more about the extent of the act of clemency.

41. The delegation of Cuba had been commendably assiduous in its reading of the Working Group's report and addenda. He believed that the Working Group had handled the legal aspects of the communications concerning detention at the Al-Khiam prison in southern Lebanon well from a technical point of view, that its Deliberation No. 5 (E/CN.4/2000/4, annex II) reflected the Commission's request that it devote all necessary attention to reports concerning the situation of immigrants and asylum-seekers and that the conclusion contained in paragraph 65 of the report was undoubtedly a welcome one.

42. As for the somewhat less positive comments by the representative of Cuba, he said that the Working Group had been balanced rather than selective in its opinions, in which connection, he drew attention to the four Opinions adopted in respect of the United States of America and the single Opinion adopted in respect of the United Kingdom (E/CN.4/2000/4, pp. 8 and 9). As for the observation by the representative of Cuba that the inflation in the number of urgent appeals might amount to their devaluation, only history could decide; their number would certainly not seem excessive to those persons languishing in prison.

43. Mr. AMOR (Special Rapporteur on religious intolerance) said that he would take account of all the proposals that had been made. In reply to the representative of India, he said that, while the Indian constitution was indeed very liberal, Indian society was complex and included many minorities, including Christians. Developments in recent years had been characterized by the growth of a form of Hindu extremism, a fact that had been acknowledged by official Indian bodies, and information concerning attacks on Christians had been provided not only in the

Indian press but also in the Indian parliament. He did not share the view of the representative of India that the allegations he had made were insufficiently founded. Indian society was dynamic, and serious conflicts sometimes occurred in dynamic societies. They had to be addressed.

44. Turning to the situation of certain indigenous communities in the United States of America, he said that the spirituality of indigenous peoples was as worthy of respect and consideration as any other beliefs, and it was not for any individual, group or State to be the judge of their spirituality.

45. He had noted with great interest the large number of speakers who had supported his request that his title be changed to Special Rapporteur on freedom of religion and belief. It was, of course, for the Commission to decide whether the change should be made.

46. The process of preparing the International Consultative Conference on the Role of Education in Promoting Freedom of Religion and Belief, to be held in Madrid, Spain, in 2001, was already under way, and he had great hopes for its success.

47. Lastly, it was important to emphasize that women's rights must be protected. Very often the limits placed on those rights derived from religion. Consequently, a special study should be made of the position of women with regard to religion.

Statements in exercise of the right of reply

48. Mr. MULONDA (Zambia), responding to the statement made by the representative of the World Press Freedom Committee, said that Zambia, a young democracy, considered freedom of expression to be central to the realization of a truly democratic society and had securely entrenched such freedom in its Constitution. Both the printed and electronic media had been liberalized with a view to enhancing press freedom, and there were currently more than 10 private newspapers in the country, and a similar number of private radio stations.

49. Nevertheless, freedom of expression was not a blank cheque that could be used to injure the rights of others. The Zambian legal system therefore allowed for certain limitations within the law, aimed at safeguarding the rights of others and democratic society. It was those, fully justified, limitations that certain irresponsible bodies believed to be abuses. The World Press Freedom Committee appeared to be uninformed with regard to freedom of the press in Zambia.

50. Mr. AL-DORI (Iraq), referring to the statement by the representative of the United States of America, said it was a well-known fact that the United States had been in a state of war with Iraq since 1991. Its aircraft carried out daily bombing attacks against all parts of the country. At the very moment when that representative had been making his statement, United States aircraft had been carrying out attacks that had left 14 citizens dead. Every six hours, one Iraqi child died as a direct result of the sanctions imposed in pursuit of United States policy. Since those sanctions had first been imposed over 10 years ago, half a million children and one and a half million adults had died as a direct consequence.

51. The United States could give lessons to no-one on human rights when its history was full of violations of its own indigenous population's human rights and when African-Americans

continued to suffer from highly discriminatory policies. The United States representative appeared to be unaware that Iraq was the only State in the region to have ensured that its Kurdish and other minorities enjoyed full human rights. The United States merely wished to try to justify its policy towards Iraq.

52. Mr. LESSIR (Tunisia) said that the representative of an NGO had referred to a so-called journalist whose rights had been violated and to other extremists who were known for their illegal and violent actions against the State. The supposed journalist had no press accreditation and was a professional troublemaker. The NGO had levelled accusations against the Internet agency and providers in Tunisia. Those allegations were pure fantasies of the sort for which the NGO was notorious. Internet services in Tunisia were being ever-more extensively used and their cost had been considerably reduced. Regrettably, his delegation had yet again to point out that the NGO involved had shamelessly abused the Commission as a forum, in order to level unfounded and malicious allegations against his country.

53. Completely fantastic assertions had been made with regard to the freedom of the press, which was guaranteed in Tunisia. The Press Code had been amended on many occasions with a view to strengthening the protection provided to journalists and ensuring the existence of a pluralist media. The public authorities accorded the information sector special attention, and media professionals were encouraged to exercise their profession.

54. He wished to reaffirm his Government's complete commitment to the promotion and protection of all human rights, including freedom of expression. The Commission must assume the responsibilities to which its Chairman had referred on numerous occasions and call to order NGOs that made defamatory statements.

55. Ms. MAJALI (Jordan), referring to the statement by the representative of the Women's International League for Peace and Freedom on honour killings which asserted that Jordan had specific laws that provided a complete defence to honour killings, and that such crimes were indicative of the failure on the part of the State to fulfil its role as the protector of the right to life, said that her delegation had made a statement in which the matter of so-called crimes of honour had been examined. The State neither approved nor condoned any type of crime. However, there were extenuating circumstances in some cases that allowed for a reduction in sentence. Such circumstances were found in many legal systems.

56. In Jordan, the criminal law was comprehensively enforced and no one was immune. In her report (E/CN.4/2000/3, para. 82), the Special Rapporteur on extrajudicial, summary or arbitrary executions had stated that she was aware of and welcomed the initiatives taken by the Government of Jordan to abolish or amend its legislation in order to bring it into conformity with international standards in that regard. Article 340 of the Jordanian criminal law was soon to be abolished.

57. Mr. SALAMA (Egypt), said that the representative of the Women's International League for Peace and Freedom had asserted that Egypt neglected to prosecute extrajudicial executions and that its legal provisions justified so-called honour killings by reducing the penalty. The statement failed to differentiate between two clearly different things, namely, extenuating circumstances and the denial of justice and failure to prosecute. The concept of extenuating

circumstances was well established in criminal law in all parts of the world. All such circumstances for which provision was made in the Egyptian Penal Code were compatible with international standards and in line with modern legislation elsewhere. It should be noted that, in Egypt, it was an offence to dishonour not a man but a human being. The Egyptian legal system did not distinguish between men and women, although there were examples of positive discrimination, such as in the new Family Affairs Act, which constituted clear affirmative legal action in favour of women.

58. Mr. DUONG CHI DUNG (Viet Nam) said that the statements made by the representative of the Catholic Institute for International Relations with regard to religious freedom in his country had been groundless and tendentious. The Commission had been misinformed and abused as a forum. It was his Government's consistent policy to promote and protect all religious practices and religious minorities. In recent years, the number of Christians had doubled and there were large numbers of local bishops. The cases referred to in the statement were distorted and in clear contrast to reality with regard to Christianity and other religions in his country. That reality had been vividly reflected in two programmes on Christianity in Viet Nam recently shown on television in Switzerland.

59. Mr. BATCHELOR (United States of America) said that his delegation took exception to the unfounded comments made by the representative of Iraq. Saddam Hussain was responsible for what was happening in Iraq.

60. Mr. MAHASARANOND (Thailand) said that he wished to respond to the statement made by the representative of Pax Romana with regard to an incident that had occurred in May 1992. That case was considered closed, and an Amnesty decree had been issued relieving all the parties concerned of responsibility for their actions. Even though that decree was a controversial one, all the interested parties had upheld the ruling of the Constitutional Tribunal on the decree, in order to maintain national reconciliation. The Government had, at the time, established a Committee to investigate losses and damages sustained during the incident. Disclosure of the findings of the Committee had been in line with the Information Disclosure Act.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (E/CN.4/2000/66, 67, 68 and Add.1-5, 115, 128 and 131; E/CN.4/2000/118-E/CN.6/2000/8; E/CN.4/2000/NGO/42, 56, 65, 87 and 119; E/CN.6/2000/6; E/CN.4/Sub.2/1999/14)

61. Ms. ŠIMONOVIĆ (Croatia), Chairperson of the Commission on the Status of Women, said that part of the forty-fourth session of the Commission on the Status of Women had been devoted to its work as the preparatory committee for the forthcoming special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century". The challenge to be faced at that session would be to build on the achievements of Beijing and the impact that it had had at all levels. The preparatory committee

was currently drafting the outcome document, which would contain actions and strategies to accelerate full implementation of the Platform for Action. Her Commission's actions were guided by a vision of society in which gender inequality had been overcome and where women and men were able to participate fully and equally in all areas of life.

62. Of the four resolutions adopted by her Commission at its forty-fourth session, two were of particular interest to the Commission on Human Rights, namely, the draft resolution on the situation of women and girls in Afghanistan and the resolution on women, the girl child and HIV/Aids. The provisional agenda adopted by the Commission on the Status of Women for its forty-fifth session included two thematic issues for in-depth consideration, namely, women, the girl child and HIV/Aids and gender and all forms of discrimination. The second theme had been chosen to enable the Commission to provide input to the forthcoming World Conference against Racism.

63. She was pleased to note that the joint work plan of the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights (OHCHR) (E/CN.6/2000/8-E/CN.4/2000/118) had been issued with a double symbol, and said that members of the Commission on the Status of Women remained committed to the ongoing cooperation between the secretariats that serviced the two Commissions.

64. The Commission on the Status of Women continued to implement the communications procedure in accordance with the mandate first established in 1947. Based on the recommendations of its Working Group on communications, her Commission had requested the Secretary-General to prepare a report for its forty-fifth session containing an overview of any reform measures that might be adopted by the Commission on Human Rights and assessing their implications for the communications procedure of the Commission on the Status of Women.

65. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 6 October 1999, would provide an additional and powerful tool for the advancement of women's interests. It would also provide a strong incentive for Governments to review their legislation and policy with regard to women and the remedies available at domestic level for women whose rights had been violated. The strength of the Optional Protocol would lie in its capacity to encourage change at the national level, rather than to provide redress in an international context.

66. She had been encouraged by the excellent progress that had been made in the Commission on Human Rights in focusing attention on women's enjoyment of human rights. Women's equal enjoyment of rights and non-discrimination on the basis of sex were currently addressed by the Commission as a matter of course. Increased attention had been given to situations specific to women, such as violence against women. Progress had also been made in increasing understanding of the fact that gender had an impact on enjoyment of human rights and was an important dimension in the substantive definition of rights. The work of the Commission on Human Rights had been instrumental in that regard. The time had come, however, to translate conceptual achievements into practice through legislation, judicial decisions and policies at the national level, as well as through the work of intergovernmental bodies.

67. She wished to express her thanks to the Commission for the work it had done to eradicate violence against women and to integrate the human rights of women and the gender perspective into the human rights mechanisms of the United Nations. Good cooperation between the two Commissions was essential to achieving their common goals, including a world where women's mistakes were not explained on the basis of gender.

68. Mr. KOBAYASHI (Japan) said that the rights of women and the need to defend them could be overlooked in the process of policy-making. The integration of the human rights of women and the gender perspective into the whole United Nations system was therefore essential, and his Government was pleased that progress was being made in that regard. A similar approach had been adopted in his country with regard to the formulation and review of policy. In June 1999, the Basic Law for a Gender Equal Society had entered into force in Japan, and since then, the central Government and local governments had taken steps to ensure respect for the human rights of women.

69. The Convention on the Elimination of All Forms of Discrimination against Women provided a comprehensive legal framework for the protection and promotion of the human rights of women. Since ratifying the Convention, Japan had submitted the periodic reports required of the States parties and had consistently attempted to implement the Convention by strengthening the national machinery for gender equality and revising some existing legislation. He hoped that the Committee on the Elimination of Discrimination against Women would make a significant contribution to the ongoing work of the United Nations, including the forthcoming special session of the General Assembly, and welcomed some of the activities it had already carried out.

70. It must be universally recognized that violence against women was a violation of human rights. His Government had designated the eradication of violence against women as one of the priority objectives of its National Action Plan, and had been dealing with the issue in a comprehensive manner. The root causes of such violence were being studied in order to provide the bases for appropriate action.

71. A further threat to the human rights and dignity of women was trafficking in persons. Japan had hosted a symposium on the subject in January 2000, which had helped to deepen understanding of that issue. Negotiations were under way to elaborate a United Nations convention against transnational organized crime with three protocols, including one on trafficking in women and children. His Government was fully committed to the accelerated timetable for those negotiations, and hoped that work would be completed by the end of 2000.

72. At the Fourth World Conference on Women, Japan had launched the Women in Development (WID) initiative, urging that development assistance be provided in order to end gender disparity and improve the status of women in society. The initiative was one of Japan's highest priorities in its medium-term policy on official development assistance (ODA) for the years 2000 to 2005.

73. Preparations for the special session were in progress. The Commission's discussions would have a crucial impact on the outcome of that session. His delegation therefore intended to

take an active part in the deliberations, with a view to ensuring that progress was made in that area at the special session and beyond, and that the human rights of women were reflected in all endeavours aimed at equality, peace and development.

74. Ms. PÉREZ DUARTE (Mexico) said that her delegation was in complete agreement with the remarks on the principle of non-discrimination and mainstreaming the gender perspective contained in the report of the Secretary-General (E/CN.4/2000/67), and with the strategies that were being pursued. Mexican women could attest to their own increased involvement in all aspects of the life of society. Nevertheless, many obstacles remained. Her Government had adopted a programme to consolidate equality between men and women, and she wished to focus on two aspects of that programme, namely, poverty and violence against women.

75. Poverty was a form of social injustice that affected rural and urban men and women alike. However, women's poverty could not be dealt with in the same manner as poverty in general. It had been recognized at the Fourth World Conference on Women that women's poverty was directly related to lack of opportunity and financial autonomy, poor access to education, support services and economic resources and lack of involvement in the decision-making process. Older women were also more likely to be affected by extreme poverty than men.

76. To address the feminization of poverty adequately, a number of factors had to be taken into account, including the division of labour, domestic arrangements, women's economic dependence on men, the type of income-generating activities available to women and women's access to economic resources. Her Government was employing the gender perspective in dealing with that problem, having recognized that any action taken to relieve women's poverty had a beneficial effect on families. Since, in many parts of the world, the feminization of poverty was the result of customs and standards which denied women access to land, property and a reasonable standard of living, her delegation invited the Commission to consider the draft resolution it had submitted under agenda item 10.

77. Government and civil society worked closely together on the campaign against domestic violence. At the previous session, the Commission had been informed of the launch of the National Programme against Domestic Violence. The process had been taken a step further with the introduction of a Mexican Official Standard relating to medical attention for domestic violence. An early-warning system had been set up. The Standard laid down the criteria to be observed in medical examinations, and the information that should be given to those involved in such violence. It also aimed at defining criteria for establishing a register of cases.

78. Women were, of course, subjected to many other forms of violence. One example had been that of the women murdered in Ciudad Juárez, which had caused outrage throughout Mexican society. It was, however, heartening that the authorities and human rights groups were working together to investigate the case.

79. In response to one of the commitments arising from the Fourth World Conference on Women, her Government had, in collaboration with the United Nations Development Fund for Women (UNIFEM), set up a system of indicators, tracking women's situation and thus

establishing a database on gender differences at various stages of life. Mexico was the only country in the region with such a system, which was an indispensable tool for planning and following up effective gender policies.

80. Ms. INAYATULLAH (Pakistan) said that the new Government of her country was at pains to improve Pakistan's rating as one of the world's most gender-insensitive countries. Rather than viewing women's issues in the context of social welfare, it had recognized that no agenda for human rights or development was complete without due attention to the condition of women. A national plan of action formulated after the Fourth World Conference on Women was being implemented. Women had also been appointed to the National Security Council and the federal and provincial cabinets.

81. Much action had been planned. It included nationwide participatory leadership training for the women who were to make up half of local government while, at the provincial level, task forces had been constituted to examine how women could be mainstreamed into every aspect of district government. Three expert groups had been set up by the Ministry of Women Development, covering women in the media, the feminization of poverty, and traditional practices and customs. Their brief would be to identify practical solutions and not just draw up another report.

82. The Government had set up a Women in Distress Fund of PRs. 25 million, which would be used to improve conditions in jails and protection houses for women and to facilitate legal aid to women in distress. The Chief Executive had set up an informal consultative body, consisting of the seven women ministers, to examine the hudud laws and suggest safeguards to ensure that they were not misused by the police and others to harass women.

83. The Government had also affirmed, at the highest level, that there was nothing honourable about so-called "honour killings", which were not sanctioned by religion but were remnants of ancient tribal customs and un-Islamic. The Government would combat the practice by all the means at its disposal.

84. Several aspects of the Government's Poverty Reduction Strategy, which was currently being prepared, addressed women's issues, including closing the gender gap in primary school education; providing for the nutritional needs of girls, mothers and infants; reforming the National Food Support Programme, so that the woman rather than the man would be issued the Beneficiary Card for food support allowance; and providing women with 50 per cent of the micro-credit available.

85. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that the Union strove for the attainment of the goal of eliminating de jure and de facto discrimination against women in all fields. It therefore regretted that universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 had not been achieved. Indeed, in the past year, only two more countries had acceded to it. That was a deplorable lack of commitment to what must be regarded as one of the greatest steps forward of the twentieth century. The Union therefore urged all States to ratify or accede to the Convention as a matter of urgency and to

bring national legislation and practices into conformity with it. Furthermore, the number of reservations was significantly high. States should therefore review the need for maintaining reservations and, if possible, withdraw them.

86. The Committee on the Elimination of All Forms of Discrimination against Women played a most important role. It was therefore a matter of priority to make possible the entry into force of the amendment to article 20, paragraph 1, of the Convention, so as to provide the Committee with flexibility in determining the number and duration of its annual sessions. He called on the States parties to take all appropriate measures for the acceptance of the amendment as soon as possible.

87. The Union welcomed the adoption of the Optional Protocol to the Convention, which would considerably improve the Convention's effective implementation, its entry into force at an early date was of paramount importance. The Protocol strengthened human rights mechanisms within the framework of the United Nations, in that it enabled a treaty body to consider gender-specific human rights violations. The existence of a complaints procedure, in addition to the inquiry procedure, would make it more possible for women's rights to be realized. Nearly all the States members of the Union were signatories of the Protocol.

88. The Union acknowledged the inadequacies of the past and committed itself to a human rights environment where both sexes could effectively develop all their talents and capabilities. It was therefore important to eradicate gender segregation in the economic and social spheres, ensure gender equality in education, and equal participation of women and men in decision-making; prevent and punish all types of gender-based violence; implement easily accessible health-care systems able to meet the special needs of women; ensure women's right to reproductive health; integrate a gender perspective into all policies and programmes; and acknowledge the essential contribution of women and their organizations - which should be adequately supported - to the promotion, protection and enhanced understanding of human rights.

89. In that context, the Union noted with concern the phenomenon of the feminization of poverty and reiterated that gender inequality remained one of the major obstacles to the eradication of poverty and other forms of social exclusion. The importance of access by women to food, health care, education and employment should also be underlined.

90. Women had a dynamic role in society and were key actors in the promotion of human rights. They must therefore be granted effective participation in all fields of life, especially in the processes of democratic transition and development in their countries. Partnership, mutual respect and sharing of responsibilities between women and men should be the cornerstone of society. Moreover, access by women to power strengthened participatory democracy, consolidating its proper functioning. The Union therefore advocated equal opportunities and equal participation by women and men in all local, national, regional and international bodies and policy-making processes.

91. Armed conflicts persisted in many parts of the globe, affecting particularly women and girls, who were generally the victims of the most heinous human rights violations and, together

with the elderly, made up the bulk of the flows of refugees and internally displaced persons. The international community should therefore concentrate its efforts on conflict prevention, including women's role in that process.

92. The Union was pleased that a gender perspective had been incorporated into recent international legal instruments, such as the Rome Statute of the International Criminal Court, where gender-based crimes were considered to be crimes against humanity or war crimes. The Union was deeply committed to the speedy entry into force of the Rome Statute and the establishment of the Court as a means of putting an end to impunity. The Court must introduce a gender perspective into all its workings.

93. It was a matter for concern that acts of violence against women and girls continued to occur worldwide. Harmful traditional practices affecting the health of women, such as female genital mutilation, and violence against women and girls, demanded urgent and effective action. The prime responsibility lay with States, which should take adequate steps, including legislation, to protect them. High priority should be given to assisting women who were victims of violence, as well as to punishing perpetrators and helping victims break out of the cycle of violence. Awareness-raising and the dissemination of relevant information were also indispensable allies in overcoming traditional practices affecting the health of women and the girl child.

94. Urgent and innovative action should be taken to suppress both trafficking in women and other forms of exploitation of women. The Union welcomed the current work on elaborating a convention against transnational organized crime, in particular with regard to the draft protocol to prevent, suppress and punish trafficking in women and children. The instruments should be finalized at an early date. The Union also welcomed the Council of Europe initiative against trafficking in human beings for the purposes of sexual exploitation and the 2000 Action Plan of the Organization for Security and Cooperation in Europe (OSCE) for activities to combat such trafficking. The Union's own programme also played an important role in the anti-trafficking campaign, as did the DAPHNE programme.

95. The human rights of women included sexual rights and rights related to reproductive health. Effective equality between women and men as far as matters of sexual relations and reproduction were concerned must be ensured; women should be empowered to be responsible for their own sexuality. Access to relevant information and to health-care systems were a matter of primary importance. National policies in the field of sexual and reproductive health should take into account the special needs of adolescent girls.

96. The Union wished to highlight the important work being done by the High Commissioner for Human Rights on the integration of a gender perspective into the United Nations system. All the mechanisms and treaty bodies should continue to integrate a gender perspective into all their work. The same should go for all items of the Commission's agenda. He noted that the Treaty establishing the European Community undertook to promote equality between men and women, thus foreseeing mainstreaming as a general strategy.

97. The special session of the General Assembly, to be held in June, would provide an opportunity to evaluate the situation five years after the adoption of the Beijing Platform for Action and to reaffirm the commitment of all States to implementing the Platform. Together

with the Declaration, it had increased attention to women's rights and brought a new focus to the rights-based approach to gender equality. Five years later, however, new challenges had emerged and further initiatives should thus be pursued for gender equality. In that context, he drew attention to the phenomenon of globalization. The process of growing interdependence in all domains of life, particularly in the economy and the communication and information systems, offered new opportunities to women. Structural changes in society must occur, however, at the same pace as the march of globalization.

98. The time had come to make full acknowledgement of what was self-evident: that all gains in women's enjoyment of human rights contributed to the well-being of both women and men. The way ahead lay in weaving together the many threads of the human rights tapestry that were already in place.

99. Ms. DITLHABT-OLIPHANT (Botswana) said it had been hoped that the new millennium would make human rights violations, including gender-based discrimination, a thing of the past, but sex-based discrimination was still prevalent, despite the fact that gains had been made which had been deemed impossible not so long ago.

100. Since the Fourth World Conference on Women, her Government had established a multisectoral body to facilitate gender equality and advise on ways of removing all obstacles in law and practice. The National Policy on Women and Development aimed at empowering women in all spheres of life by promoting gender awareness in development planning and by improving women's reproductive health and reproductive rights. The National Council on Women was the highest advisory body, but women's NGOs also contributed to consolidating a united position on critical areas of concern.

101. The representation of women in decision-making areas, particularly in Parliament, had grown considerably. There had been a remarkable increase in the number of women at senior and middle management levels, both in government and in the private sector. A conscious effort to mainstream the gender perspective into all aspects of development was being made. More, however, needed to be done in other areas of the economy, particularly with regard to poverty reduction.

102. The educational curriculum had been made gender-sensitive. Boys and girls learned about the positive attributes and gender differences which were not only an integral part of a normal society but also enriched and empowered communities. The scourge of HIV/AIDS had brought into the open the issue of sex education and the need for young people to act responsibly. Armed with knowledge, they could be masters of their fate rather than ignorant victims of a deadly disease.

103. Dealing with violence against women in its various forms was a critical area in the development of women. Law-enforcement agencies and social welfare workers were being trained in awareness of the law, while the Penal Code had been amended to enable courts to impose more severe penalties for rapists. Sentences were even stiffer for those who committed the crime knowing that they were HIV positive.

104. Botswana was a party to the Convention and other human rights instruments. It commended the work of the Commission on the Status of Women. She expressed her delegation's abhorrence at the violations of the rights of women and girls in conflict areas all over the world. The international community should not only express its outrage at such acts but call for stern measures to be taken against the perpetrators.

105. Her delegation commended the work of the High Commissioner for Human Rights in mainstreaming the gender perspective into United Nations activities. The participation of women in United Nations mechanisms not only enriched the quality of debates but also contributed to a more balanced approach to development issues.

106. Ms. KUNADI (India) said that the adoption of the Optional Protocol to the Convention would become a key landmark in the field of women's rights. A long way had been travelled from the initial concept of the emancipation of women, but there was still far to go.

107. The notion that women's concerns formed the core concern of societies had been recognized only after the Fourth World Conference on Women, together with the understanding that many of the ills suffered by women could be redressed through their empowerment. In India, where more than 407 million women lived, her Government was committed to their empowerment through a constant focus on institutional and rights-based support, with special attention to the girl child. It was currently examining the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women, following the submission of India's initial report.

108. The Department of Women and Child Development was the nodal agency within the Government charged with the task of advancing the development of women, particularly rural women. Other mechanisms were the National Commission for Women, a parliamentary committee for the empowerment of women, the Central Social Welfare Board and the National Women's Fund. The National Commission reviewed legislation, inquired into specific complaints of discrimination, suggested remedial action and provided an umbrella for the formulation of policies. The parliamentary committee acted as a watchdog and looked into the mainstreaming of gender concerns and programme planning. The Fund provided credit to needy women in the informal sector. The Welfare Board worked through more than a thousand voluntary organizations for the welfare of women. In addition, various ministries and departments had women's units dealing with gender mainstreaming and entrepreneurship development for women.

109. Another significant development had been the creation of women's cells in police stations in order to combat violence against women. Some police stations were entirely managed by women. The delivery of social services to women had also been improved. Gender-specific support services through village-level centres, called anganwadi, had spread throughout the country. At the local level, 33 per cent of seats in the village council or panchayats were reserved for women, an important affirmative action. Proposals for similar action at other levels, including the national Parliament, were under consideration.

110. The issue of violence against women continued to be a matter of serious concern. Public awareness was being raised and legislation against the social evil of demanding dowry had been progressively strengthened. Pre-natal sex-determination tests had been banned in order to discourage the abortion of female foetuses. Guidelines had been formulated to prevent sexual harassment in the workplace and a special programme had been launched to change societal attitudes to the girl child. A task force was also to be set up to review and strengthen all existing legislation and government schemes pertaining to the role of women in the national economy.

111. The new challenges that had arisen since the Fourth World Conference on Women included the impact of globalization, which could further marginalize women unless proactive policies, including social protection systems with gender mainstreaming, were implemented; the increasing population of aged women in both the developing and developed world; the increasing number of women in the labour market, which could exacerbate existing gender inequality and segmentation unless there were policies to increase opportunities for jobs and skill acquisition by women; and the inadequacy of health and social services for women, with 480 maternal deaths per 100,000 live births in developing countries.

The meeting rose at 1.05 p.m.